

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

IN RE GENETICALLY MODIFIED)	4:06 MD 1811 CDP
RICE LITIGATION)	
)	ALL CASES
)	
)	

JOINT STATUS REPORT OF LEAD COUNSEL

Pursuant to CMO 11 Lead Counsel for Plaintiffs and Defendants report as follows:

A. Discovery Progress.

Discovery directed to the Bayer Defendants is proceeding at a pace to be completed by the April 3, 2009 deadline imposed by CMO 9. The parties have cooperated to complete numerous depositions and are in the process of scheduling additional witnesses requested by Plaintiffs in the United States and abroad. The following list reports on the status of depositions and document production:

DEPOSITIONS TAKEN

DEPONENT	DATE
Sam Garris	April 23, 2008
Andy Hurst	May 14, 2008
Wuzi Xie	May 21, 2008
Ali Scott	May 29, 2008
Mike Redlich	June 12, 2008
Hugh McGilvray	June 18, 2008
Sally Van Wert	July 10, 2008
Margaret Gadsby	July 24, 2008 October 8, 2008
Kristine Kring	July 31, 2008
Cynthia Allen	August 20, 2008
Lee Hall	August 21, 2008
Scott Johnson	September 17, 2008
Alice DeLisle	September 18, 2008
Tom Schuler	September 19, 2008
Eddie Ingram	October 10, 2008
Tim Croughan	October 30, 2008

DEPONENT	DATE
Karin Dorgeloh	November 12, 2008

SCHEDULED DEPOSITIONS

DEPONENT	DATE
Sue McIntosh	November 21, 2008
Peg Cherny	December 3, 2008
Paul Schmidt	December 4, 2008
Ray Shillito	December 10, 2008

DEPOSITIONS TO BE SCHEDULED (TO BE TAKEN IN THE UNITED STATES)

DEPONENT	DATE
Donna Mitten	Multiple days (late February)
Kirk Johnson	Multiple days (late February)
Randy Ouzts	Multiple days (late February)
Billy Knowlton	
Fred Stracener	
Linda Trolinder	
Jacko Garrett	
Garret Van Duyn	
Tom Bregger	
John Wichtrich	
Vickie Forester	
Darryl Maddox	

FOREIGN DEPOSITIONS TO BE SCHEDULED (TO BE TAKEN IN EUROPE)

DEPONENT	DATE
Franz Eversheim	
Henk Joos	
Ed Roumen	
Frederic Aubucolet	
Frank Michiels	
Bernhard Shreiber	
Inge Basteleurs	
Dirk Klonus	
Liz Bates	
Judith Rylott	
Juergen Koehler	
Jean Francois Sarrazin	

DEPONENT	DATE
Piet Soetaert	
Erik Van der Biezen	
Rik van den Hende	
Andre Roef	

NON-PRODUCER DEPOSITIONS SCHEDULED

DEPONENT	DATE
Brad Leach	November 24, 2008
Jason Earney	November 25, 2008

**RULE 30(b)(6) DEPOSITIONS DIRECTED TO FOREIGN
BAYER DEFENDANTS – TO BE SCHEDULED**

FOREIGN DEFENDANTS' DOCUMENT PRODUCTIONS

ENTITY	DATE	PAGES
Bayer CropScience AG	September 15, 2008	3,874 pages
Bayer BioScience NV	September 15, 2008	19,891 pages
Bayer AG	October 17, 2008	73 pages
Bayer CropScience AG	October 17, 2008	8,177 pages
Bayer BioScience NV	October 17, 2008	16,717 pages
Bayer AG	November 14, 2008	92 pages
Bayer CropScience AG	November 14, 2008	37,792 pages
Bayer BioScience NV	November 14, 2008	3,606 pages

B. Issues To Be Raised At November 20, 2008 Status Conference.

Plaintiffs wish to address during the November 20, 2008 telephone conference the following issues:

1. The necessity for, and timing for completion of, service on the Foreign Defendants under the Hague Convention by (a) non-producers; and (b) producers;
2. The location of Rule 30(b)(6) depositions of the Foreign Defendants;
3. Attempts to reach agreement regarding the proper plaintiffs in producer cases;
4. The number of producer cases on which full discovery should be conducted;

5. The date by which lead counsel are required to select the cases for the initial trials;
6. The date by which individualized expert reports regarding damages should be due;
7. For producer and non-producer cases, the deadlines for *Lexecon* waivers for cases that are docketed in the Court after the deadlines for *Lexecon* waivers currently set forth in CMO 9 and CMO 10; and
8. For non-producer cases docketed after October 21, 2008, which is the date the Court issued CMO 9, the deadlines for completion of service, motions to amend pleadings and join additional parties, and to notify the Court whether any non-producer plaintiff wishes to have his or her case considered for inclusion in the group of cases to be tried first in this district.

Respectfully submitted,

/s/ Terry Lueckenhoff

Terry Lueckenhoff, #43843
Fox Galvin, LLC
One S. Memorial Drive, 12th Floor
Saint Louis, Missouri 63102

Lead Counsel for Defendants

/s/ Don M. Downing (w/consent)

Don M. Downing, #41786
Gray, Ritter & Graham, P.C.
701 Market Street, Suite 800
St. Louis, Missouri 63101

And

/s/ Adam J. Levitt (w/consent)

Adam J. Levitt
Wolf Haldenstein Adler Freeman & Herz LLC
55 West Monroe Street, Suite 1111
Chicago, Illinois 60603

Lead Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2008, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

/s/ Terry R. Lueckenhoff _____